

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

WILLIAM J. WINDHAM and)
GWENDOLYN JOYCE WINDHAM)
)
Plaintiffs,)
)
v.) CASE NO. 3:05 CV-472-M
)
B.W. CAPPS & SONS, INC.)
)
Defendant.)

REPORT OF PARTIES' PLANNING MEETING

1. **Appearances.** Pursuant to Fed. R. Civ. P. 26 (f), a meeting was held via telephone on July 21, 2005, among the following participants:

N. Kirkland Pope
Pope & Rayfield
Attorneys for Plaintiff

James R. McKoon, Jr.
McKoon & Thomas
Attorney for Defendants
2. **Pre-Discovery Disclosures.** The parties will exchange by September 12, 2005 the information required by Fed. R. Civ. P. 26(a)(1).
3. **Discovery Plan.** The parties jointly propose to the Court the following discovery plan:
 - a. Discovery will be needed on the following subjects:

1. All information pertaining to Plaintiff's claims and damages.
2. All information pertaining to Defendants' defenses.

- b. All discovery commenced in time to be completed by April 24, 2006.
- c. There will be a maximum of 30 interrogatories by each party to any other party. The responses will be due 30 days after service.
- d. There will be a maximum of 30 requests for production of documents by each party to any other party. The responses will be due 30 days after service.
- e. There will be a maximum of 25 requests for admission by each party to any other party. Responses will be due 30 days after service.
- f. The parties agree that no more than 12 depositions may be taken by a party without leave of the Court or agreement of the parties. Each deposition is limited to a maximum of 3 hours unless extended by agreement of the parties.
- g. Reports from retained experts under Rule 26(a)(2) will be due from Plaintiff by January 9, 2006, and from Defendants by February 6, 2006.
- h. Supplementation of the disclosures under Rule 26(e) will be due within 30 days before the end of the discovery period.

4. Other items.

a. Scheduling Conference

A Scheduling Conference is currently set before the Court for August 1, 2005 in Montgomery, Alabama at 11:00 A.M. Central Time.

b. Pretrial Conference

The parties request a pretrial conference which shall be set by the Court at the Scheduling Conference to be held on August 1, 2005.

c. Additional Parties, Claims and Defenses

The parties must join additional parties and amend the pleadings by February 27, 2006.

d. Dispositive Motions

All potentially dispositive motions should be filed by March 7, 2006.

e. Settlement

Settlement and the possibility of mediation cannot be evaluated until some discovery is complete.

f. Trial Evidence

The final list of witnesses and trial evidence under Rule 26(a)(3) should be due three weeks before trial. The parties should have 10 days after service to list objections under Rule 26(a)(3).

g. Trial Date

This case should be ready for trial by June 5, 2006, and at this time is expected to take approximately 2 days of trial time.

Date: July 22, 2005.

/s/ N. Kirkland Pope

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